

Message

From: Palmer, Leif [Palmer.Leif@epa.gov]
Sent: 6/10/2020 7:04:32 PM
To: Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
CC: Rubini, Suzanne [Rubini.Suzanne@epa.gov]
Subject: RE: NHPA follow up

Sorry. My OGC meeting just got changed back to 4 to 5 pm. So let's discuss at 5 pm.

From: Palmer, Leif
Sent: Wednesday, June 10, 2020 3:00 PM
To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: RE: NHPA follow up

My OGC meeting just got pushed to 4:45 to 5:30. I will have 15 minutes at 4:30 if you want to discuss it then.

From: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Sent: Wednesday, June 10, 2020 2:59 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: RE: NHPA follow up

I can join at 5.

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Wednesday, June 10, 2020 2:17 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: RE: NHPA follow up

5:00 works for me but Kavita might not be available at that time.

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Wednesday, June 10, 2020 1:48 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: RE: NHPA follow up

I've got a 4:00 PM to 5:00 PM call with OGC – not sure if folks want to meet after 5 pm.

Given Mita's scarce resources we may should consider whether a non-water attorney could be tasked –we'd need to know what the time commitment would be.

I don't think anyone in ORC has experience with NHPA consultation.

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Wednesday, June 10, 2020 1:44 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: FW: NHPA follow up

FYI. Looks like Tod is not going to be able to assist (except providing some guidance here and there) on the programmatic 106 consultation analysis. Simma had some thoughts on how Region 4 might be able to take the lead on this. Kavita has already had one of our interns do some preliminary research on NHPA obligations. I think it would be helpful to have a call about how we want to tackle this. I'm available after 4:00 today if folk are free.

I've forwarded this to Tom and he has shared over the phone with Jeaneanne.

Thanks,

Matt

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Wednesday, June 10, 2020 10:02 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: RE: NHPA follow up

Yup. Unfortunately, Tod said there is no real capacity at HQ – he would prefer not to be tasked with it (which I take to mean he is totally swamped) and he said there are no other capable staffers. We discussed the following options; let me know your thoughts.

Can we check to see:

1. If Maria Clark and Stephen Smith (the R4 representatives on the EPA NHPA call team) can help out with an initial sketch of what's involved, or if not,
2. If the FL ORC or water team – or a clerk? – has the time and capacity to compile a draft sketch of the consultation process based on the regs, the ACHP flow charts, and our ESA experience, (Tod could point us in the right direction) and
3. Either way, if R4 and FDEP start to talk about what kind of agreements FDEP envisions as feasible to address historical resources.

We also have a law clerk who is working on WOTUS now but might be free to help starting the middle of next week. Again, let me know your thoughts. I'm sorry that we are not able to do more.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Wednesday, June 10, 2020 9:44 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: NHPA follow up

Good morning Simma. I wanted to check in to see if you had an opportunity to talk with OGC management about support on the programmatic 106 consultation analysis. Sorry for being such a pest but it's something the Region is very anxious about. I appreciate any updates you can provide and thanks for all your help on this.

Matt

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Tuesday, June 9, 2020 1:14 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: RE: NHPA follow up

Yes. Tod is a very busy man! Thanks.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Tuesday, June 9, 2020 1:13 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: NHPA follow up

Simma,

Just wanted to confirm that you'll be reaching out to your management about Tod's availability to assist with fleshing out what programmatic 106 consultation will look like and whether someone else might be more appropriate to assist us given Tod's schedule. Kathy wanted me to point out that in addition to the NHPA and Tribal issues that Tod is assisting with on FL's assumption effort Tod is also assisting with the 404(g) rulemaking.

Thanks,

Matt